

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MONIQUE POWELL,

Defendant.

MEMORANDUM DECISION AND
ORDER GRANTING DEFENDANTS'
MOTION TO AMEND
PRESENTENCE REPORT

Case No. 2:07-CR-721 TS

Federal Rule of Criminal Procedure 32(i)(3)(B) provides that at sentencing the Court “must—for any disputed portion of the presentence report or other controverted matter—rule on the dispute or determine that a ruling is unnecessary either because the matter will not affect sentencing, or because the court will not consider the matter in sentencing.” Rule 32(i)(3)(C) provides that the Court “must append a copy of the court’s determination under this rule to any copy of the presentence report made available to the Bureau of Prisons.”

At sentencing, Defendant objected to various portions of paragraphs 4-13 of the presentence report. The Court ruled orally that, pursuant to Rule 32(i)(3)(B), a ruling on Defendant’s objections was unnecessary because the objections did not affect sentencing and were not considered by the Court in determining the appropriate sentence.

Defendant now requests that the Court append to the presentence report a written declaration that the Court did not take these disputed facts into consideration in determining her sentence as required by Rule 32(i)(3)(C). The Court will grant that request. As set forth at the sentencing hearing, the Court did not consider the disputed facts in paragraphs 4-13 of the presentence report when determining Defendant's sentence. The Court will append a copy of this Order to the presentence report.

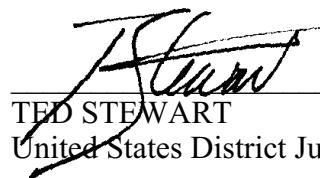
It is therefore

ORDERED that Defendant's Motion to Amend Presentence Report (Docket No. 26) is GRANTED. It is further

ORDERED that the United States Probation Office shall append a copy of this Order to any copy of the presentence report made available to the Bureau of Prisons.

DATED March 27, 2008.

BY THE COURT:



TED STEWART
United States District Judge